

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JERONE MCDOUGALD,	:	Case No. 1:16-cv-317
	:	
Plaintiff,	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Stephanie K. Bowman
	:	
LINNEA MAHLMAN, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 6)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on April 7, 2016, submitted a Report and Recommendations. (Doc. 6). Plaintiff filed an objection. (Doc. 9).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

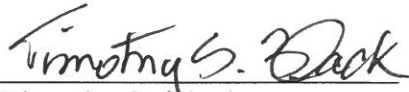
¹ Plaintiff argues that he should be permitted to amend his complaint to allege additional facts. (Doc. 9). On May 10, 2016, Magistrate Judge Bowman granted Plaintiff's motion to amend. (Doc. 14 at 2).

determine that such Report and Recommendations should be and is hereby adopted in its entirety.²

Accordingly, Plaintiff may proceed with his: (1) First Amendment retaliation claims relating to the alleged retaliatory conduct reports and cell search against Defendants Mahlman and Lancaster; (2) Eighth Amendment failure to protect claim against Defendant Mahlman; and (3) access to the courts claim against Defendants Bailey and Nolan. All other claims are dismissed on the ground that Plaintiff has failed to state a claim upon which relief may be granted.

IT IS SO ORDERED.

Date: 7/13/16


Timothy S. Black
United States District Judge

² On May 10, 2016, Magistrate Judge Bowman vacated the Report and Recommendations to the extent that it was recommended that Plaintiff's denial of access to the courts claim against defendants Bailey and Nolan be dismissed. (Doc. 14 at 1).